

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

SWIFT BEEF COMPANY,)	
)	
Plaintiff,)	8:06CV466
)	
v.)	
)	
IC TECH SALES, INC., WAM,)	ORDER
INC., and WAM USA, INC.,)	
)	
Defendants.)	
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IC TECH SALES, INC.,)	
)	
Cross-claim Plaintiff,)	
)	
v.)	
)	
WAM, INC., and WAM USA, INC.,)	
)	
Cross-claim Defendants.)	
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This matter is before the Court on a Rule 56 motion for summary judgment filed by defendants/cross-claim defendants WAM, Inc. and WAM USA, Inc. (Filing No. 87). WAM, Inc. and WAM USA, Inc. claim there is no entity by the name of WAM, Inc. and, therefore, it should be dismissed as a party. The Swift Beef Company and IC Tech Sales, Inc., oppose this motion, arguing that WAM USA, Inc. has held itself out to the public by the name of WAM, Inc. Having reviewed the motions, the parties' briefs and evidentiary submissions, and the applicable law, the Court finds there are material issues of fact precluding summary judgment and the motion should be denied. Accordingly,

IT IS ORDERED the WAM, Inc. and WAM USA, Inc.'s motion for summary judgment (Filing No. 87) is denied.

DATED this 15th day of January, 2008.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court